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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91195609
Party	Plaintiff Minnesota Twins, LLC
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Date	03/26/2013
Attachments	Supplemental Report Minnesota Wild 032613.pdf (5 pages)(21998 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application Serial Nos. 77/813,908 and 77/813,912

Filed: August 27, 2009

For Mark: MINNESOTA WILD (Stylized)

Published in the Official Gazette: January 19, 2010

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MINNESOTA TWINS, LLC,	⋮	
Opposer,	⋮	Opposition No. 91195609
v.	⋮	
MINNESOTA WILD HOCKEY CLUB, L.P.,	⋮	
Applicant.	⋮	
	X	

**SUPPLEMENTAL PROGRESS REPORT PURSUANT TO THE MARCH 21, 2013
ORDER OF THE TRADEMARK TRIAL AND APPEAL BOARD**

Opposer, by and through counsel, and with the consent to Applicant, hereby provide this supplemental report of the parties' progress in this matter as required by the Board's Order of March 21, 2013.

The following detailed report presents the dates on which significant movement towards settlement has occurred between the parties. On September 7, 2012, in a verbal settlement negotiation session which occurred by telephone conference, Opposer (in-house counsel for Opposer) made a settlement offer to outside counsel for Applicant (the proposal referenced in the first line of the December 7, 2012 report to the TTAB) which was the result of extensive internal discussions with its clients and previous discussions with counsel for Applicant. This proposal

was not reduced to writing, as the parties did not believe it was necessary to do so at the time, based on the productive verbal settlement discussions that had been going on between the parties. (Note, as a clarification, the parties did not state in the report to the TTAB that this proposal was in writing.) Subsequently, Applicant's counsel engaged in extensive conversations with its client regarding the pros and cons of the proposal from its perspective. Then, on December 7, 2012, counsel for Applicant responded to in-house counsel for Opposer with a written counterproposal delivered by email. Opposer extensively considered the terms of such counterproposal and, on March 7, 2013, responded to Applicant's counsel with another counterproposal delivered in what was initially intended to be a phone call solely to forward to Applicant Opposer's counterproposal deal points with an intent to send a follow-up confirmatory email and schedule a call between the parties' counsel for another day for further discussion; however, in that phone call, the discussion between counsel for both parties evolved into an extended verbal settlement negotiation relating to that counterproposal. Again, this counterproposal was not reduced to writing as it was not necessary due to the productive nature of those verbal discussions, and the indication by Applicant's counsel that the counterproposal and issues evolving out of the phone discussion would then be discussed with Applicant. Since that time, counsel for Applicant has reported such counterproposal to its client, had extensive discussions regarding the merits of the proposal, and has formulated another counterproposal, which has not yet been communicated to Opposer. Counsel for Applicant was in the process of drafting the details of such counterproposal when the parties received the TTAB's March 21, 2013 Order seeking this more detailed statement of progress. Counsel for Applicant expects to deliver a new counterproposal to Opposer in the near future. Although much of the parties' past communications have not been in writing, as the nature of the relationship of the parties and the

direction of the negotiations did not appear to necessitate such a writing to ensure progress in the matter, if it is the TTAB's preference for such writings, counsel for the parties will undertake to do so in this matter going forward. At this point, the parties believe they have made significant progress and, as stated in their Dec. 7, 2012 and most recent Mar. 7, 2013 report, believe that they need the additional requested time to resolve the remaining issues in this dispute, further negotiate the framework of settlement and for the parties to commit those agreed-upon terms to a draft agreement which, when finalized, would allow them to resolve this matter without the need to proceed with the Opposition.

The parties therefore request that the Board grant the Opposer's consented motion of March 7, 2013. Further, the Board should also reset Applicant's time to answer or otherwise respond to the Notice of Opposition until thirty (30) days after the suspension ends.

Additionally, the parties request that six (6) months of discovery be allowed and that the discovery cutoff be reset to six (6) months after the proceeding resumes so that the parties will have the full period of discovery in the event that the matter is not able to be resolved. The trial and other periods should be reset accordingly.

In the event that the Board denies the March 7, 2013 motion, Opposer consents to an extension of time for Applicant to file an answer or otherwise respond to the Notice of Opposition. In such case, the parties request that the Board also reset Applicant's time to answer

or otherwise respond to the Notice of Opposition until at least thirty (30) days after such denial.

Dated: New York, New York
March 26, 2013

Respectfully submitted,
COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on March 26, 2013, I caused a true and complete copy of the foregoing *Supplemental Progress Report Pursuant to the Board's March 26, 2013 Order* to be sent via First Class Mail, postage paid, to applicant's attorney, Mary J. Sotis, Esq., Frankfurt Kurnit Klein & Selz PC, 488 Madison Avenue, New York, New York 10022 and Applicant's Correspondent of Record, Thomas H. Prochnow, NHL Enterprises LP, 1185 Avenue of the Americas, New York, NY 10036-2601.

Dated: New York, New York
March 26, 2013

/Seth Shaifer/
Seth Shaifer